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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/624,454 | 07/21/2003 | Steven M. Casey | 020366-089500US | 5591 |
| 20350 7590 10/02/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | EXAMINER NGUYEN, VAN KIM T | |
| | | | ART UNIT 2152 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,454

Applicant(s)

CASEY ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/01/04 and 10/08/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on July 21, 2003.

Claims 1-46 are pending in the application.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on October 8, 2003 and March 1, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 12, 17, 21, 25, 27, 32, 35-37, 39 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore, Jr. et al (US 7,035,270), hereinafter Moore.

Regarding claims ~~1, 22~~ and 35, Moore discloses a network interface device (30) comprising:

an isolation device adapted to isolate a transport medium internal to a customer premises from a transport medium external to the customer premises such that operational changes to one of the internal and external transport media do not affect the other of the internal and external

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transport media (e.g., home network interface 32 containing appropriate physical layers and interface, e.g., antenna, RJ-11 connection, power system connection that operational changes to the internal and external transport media do not affect the other of the internal and external transport media; col. 3: lines 44-47);

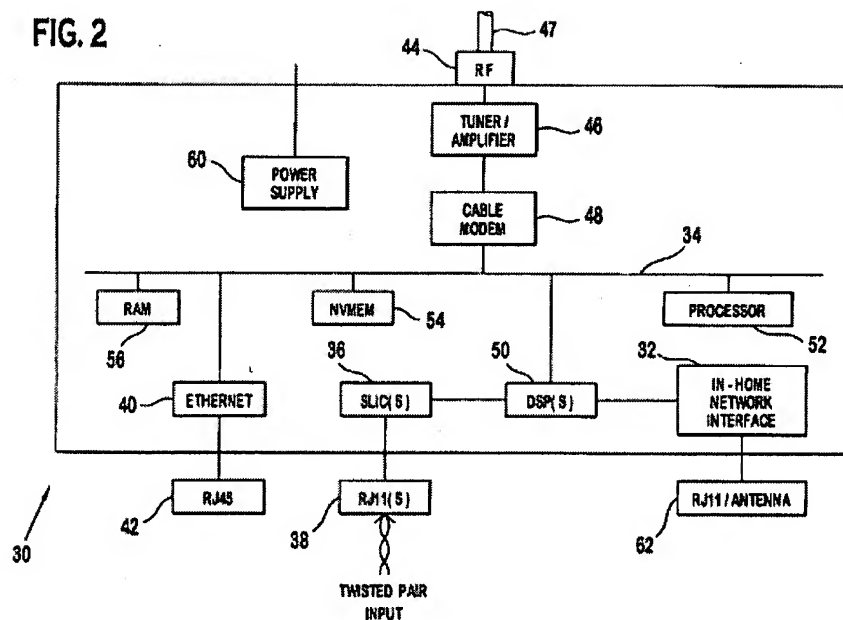
a first interface coupled with the isolation device and adapted to communicate with the external transport medium, wherein the external transport medium is in communication with a distribution point (interface 38, 42, 62; col. 3: lines 53-67);

a second interface coupled with the isolation device and adapted to communicate with the internal transport medium (main bus 34; col. 3: lines 44-47); and

a microserver disposed external to the customer premises and coupled with the first and second interfaces, wherein the microserver is adapted to receive telecommunication information from the external transport medium and includes software for implementing a predetermined function over the internal transport medium by processing the received telecommunication information (HNG 30, e.g., processor 52 comprising a translator that has the ability to map HFC-specific messages to corresponding in-home network parameters; col. 5: lines 16-35).

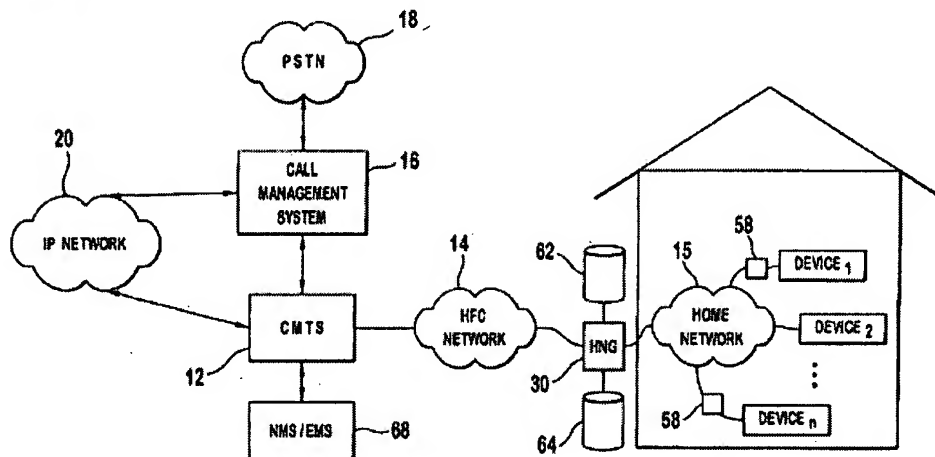
Regarding claim 2, Moore also discloses the isolation device and microserver are disposed within a common housing (Figure 2).

FIG. 2



Regarding claim 3, Moore also discloses the common housing (30) is disposed on an exterior wall of the customer premises (Figure 3).

FIG. 3



Regarding claims 4 and 23, Moore also discloses an addressable application device coupled with the microserver, wherein the addressable application device is adapted to receive the processed telecommunication information and to execute a defined application as an aid to implementing the predetermined function over the internal transport medium (DSP 50 emulates PCM highway to communicate with SLIC 36 and in-home network interface 32 to distribute telephone signals and other signals throughout the home network; col. 4: lines 13-25).

Regarding claim 5, Moore also discloses the addressable application device is disposed external to the customer premises (Figure 3).

Regarding claim 6, Moore also discloses the isolation device, microserver, and addressable application device are disposed within a common housing (Figure 2).

Regarding claims 7, 24 and 36, Moore also discloses the microserver comprises an authentication microserver adapted to verify that the predetermined function is authorized for the customer premises (col. 6: lines 1-6).

Regarding claims 8, 25 and 37, Moore also discloses the microserver comprises a file-transfer microserver adapted to transfer an electronic file of information to or from the network interface device (retrieve configuration files and upload the files to a specific device for configuration or other purposes; col. 5: lines 64-67).

Regarding claims 12, 27 and 39, Moore also discloses the microserver comprises a code-processing microserver adapted to receive code and process the code for use by another component of the network interface device (conversion functionality needed to convert digital signal from DSP 50 into analog telephone is implemented in dongle 58; col. 4: lines 21-40).

Regarding claims 17, 32 and 44, Moore also discloses the microserver comprises a wireless microserver adapted to provide an interface between wireless communications within the customer premises to the external transport medium (RF connector 44 or antenna 62; Figure 2).

Regarding claim 21, Moore also discloses upgradeable firmware that supports the microserver (home network interface 32 can be in the form of a plug-in card connected to main bus 34; col. 3: lines 44-47. Thus, if new and improved interface card is available, the system can be upgraded).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 9-11, 13-16, 18-20, 26, 28, 30, 33-34, 38, 40, 42 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore as applied to claim 1 above, in view of Rakib (US 6,970,127).

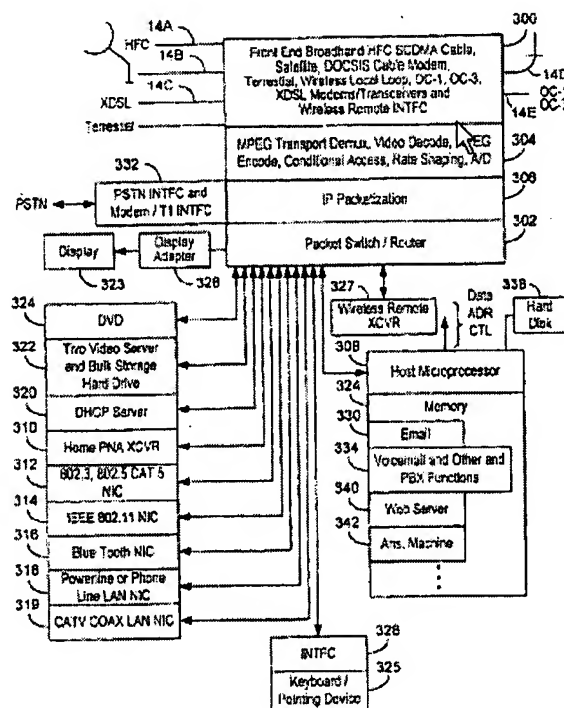
Regarding claims 9-11, 26 and 38, Moore discloses substantially all the claimed limitations, except a dynamic host configuration protocol microserver adapted to manage an internet-protocol address assignment to a device coupled with the internal transport medium.

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Advanced Home Gateway

FIG. 8

As shown in Figure 8, Rakib teaches a home gateway comprising a DHCP server 320 assigns addresses to clients on the LAN and in the gateway (col. 27: lines 16-17; Figure 8).

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Obviously, internet-protocol address assignment can either be public or private address assignment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rabik's method of using a DHCP server in Moore's system in order to access, control and monitor the gateway remotely.

Regarding claims 13, 28 and 40, Moore-Rakib also teaches the microserver further comprises a webserver microserver adapted to render a display of incoming web page information suitable for presentation with a web-browser enabled device (a web server application 340 controls host computer 308 to serve web pages to browsers on the internet (Rabik; col. 31: lines 8-10).

Regarding claims 15, 30 and 42, Moore-Rakib also teaches the microserver comprises an instant-messenger microserver adapted to provide instant-messaging functionality over the internal transport medium (Rabik; col. 23: lines 13-17).

Regarding claim 16, Rakib also teaches the microserver comprises:
a webserver microserver adapted to render a display of web-page information suitable for presentation with a web-browser enabled device (Rabik; col. 31: lines 25-38); and
an advertising microserver adapted to overlay an advertisement over the display of web-page information (Rabik; col. 22: lines 63-67)

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Regarding claims 18, 33 and 45, Moore-Rakib also teaches the microserver comprises an RF power-level microserver adapted to monitor an RF power level of telecommunication information received at the first interface (e.g., rate shaping circuitry 11 to change the data rate of data transmitted to or received from headend 12 over transmission medium 12; Rabik; col. 6: lines 33-60).

Regarding claim 19, Moore-Rakib also teaches the microserver comprises a test-access microserver adapted to verify proper functioning of another component of the network interface device (gateway 12 has intelligent hub management software that monitors traffic conditions and does whatever management and rate shaping is necessary to most efficiently use the LAN resources 28 and broadband 14 that are available; Rabik; col. 7: lines 63-67).

Regarding claims 20, 34 and 46, Moore-Rakib also teaches a webserver microserver coupled with the microserver and adapted to provide a customer-based graphical user interface for implementing software configuration changes of the microserver (Moore; col. 5: lines 60-67 and Rabik; col. 31: lines 25-38).

7. Claims 14, 29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore as applied to claim 1 above, in view of Johnson et al (US 5,694,616).

Regarding claim 14, Moore discloses substantially all the claimed limitations, except initiating an email alert in response to receipt of an email at an email account.

Johnson et al teaches initiating an alert in response to receipt of an email message at an email account (col. 3: lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Johnson's method of notifying the receiving of email in Moore's system in order to provide receivers with a friendly user email product that alerts users with receiving messages.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

System and Method for Deploying Multi-Function Access Points in a Data Network, Young et al (US 7,263,362);
Media Interface Device, Sheppard et al (US 6,978,474);
Soft Network Interface Device for Digital Broadband Local Carrier Networks, Millet et al (US 6,898,276);
Gateway Apparatus for Controlling Apparatuses on Home Network; Sekiguchi (US 6,957,275);
Apparatus for Controlling Internetwork Communications; Swales (US 6,760,782); and
System using Home Gateway to Analyze Information Received in an Email Message for Controlling Devices Connected in a Home Network; Hilt (US 6,738,820).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

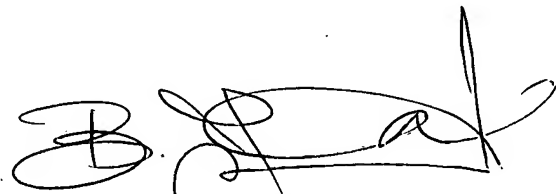
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2152

vkkn



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

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